

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROMEO LISTER, *et al.*,

Plaintiffs,

VS.

NATIONAL OILWELL VARCO, L.P.,

Defendant.

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CIVIL ACTION NO. H-11-0108

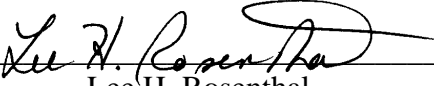
ORDER

A hearing on Usoro's motion to intervene, (Docket Entry No. 36), and National Oilwell Varco's ("NOV") motion to enforce settlement, (Docket Entry No. 34), is set for **August 27, 2012, at 3:00 p.m.** The three individual plaintiffs—Romeo Lister, Terrance Williams, and Jerry Wilson—and all counsel of record must attend. Wilson and NOV must be prepared to present evidence on why the alleged settlement agreement should or should not be enforced. *See Mid-South Towing Co. v. Har-Win, Inc.*, 733 F.2d 386, 390 (5th Cir. 1984) (stating that "when opposition to enforcement of the settlement is based not on the merits of the claim but on a challenge to the validity of the agreement itself, the parties must be allowed an evidentiary hearing on disputed issues of the validity and scope of the agreement").

Usoro must be prepared to present evidence on the alleged contract he entered into with Terrance and Williams and on the scope and extent of work he has done in this case. Terrance and Williams may present evidence in response to the motion to intervene.

The court will also hear the motion by counsel for Wilson to withdraw, (Docket Entry No. 40).

SIGNED on August 13, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge